

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CI Group Investments, LLC, an Illinois  
Limited Liability Company**

**Plaintiff,** )

**V.**

**Ocean Atlantic Service Corporation, a Virginia Corporation,**

**Defendant.** )

**Case No. 07-cv-06432**

**Hon. Elaine E. Bucklo**

**Hearing Date: May 1, 2008**  
**9:30 a.m.**

**Location: Courtroom 1441**

## **PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Plaintiff, CI Group Investments, LLC, an Illinois limited liability company (“Plaintiff” or “CI Group”), by and through Gregory J. Jordan, Peter J. Schmidt, Jean Soh and the law firm of Polsinelli Shalton Flanigan Suelthaus PC, its counsel, and hereby moves this Court pursuant to Rule 55 of the Federal Rules of Civil Procedure for entry of a default judgment against the Defendant, Ocean Atlantic Service Corporation, and in support thereof, CI Group states as follows:

1. On November 13, 2007, Plaintiff filed its Complaint for Breach of Guaranty (the “Complaint”) in the United States District Court for the Northern District of Illinois naming as Defendant, Ocean Atlantic Service Corporation (the “Defendant”).
2. Plaintiff, through counsel, diligently attempted to effect service upon the Defendant consisting of at least the following: 1) attempts at personal service by a private process server to the Defendant’s business address; 2) attempts at personal service by a private process server to the Defendant’s registered agent’s personal residence; 3) mailing the Complaint, summons and request for waiver of service to the Defendant’s Business Address; and 4) e-mailing the Complaint to the Defendant’s registered agent.

3. Unable to effect service on the Defendant, Plaintiff filed its Motion for Determination of Effective Service (the “Motion for Effective Service”) on March 6, 2008 (Docket # 7).
4. This Court granted the Motion for Effective Service by order (the “Order”) entered on March 11, 2008 (Docket #9), and directed Defendant to file a responsive pleading to the Complaint in 20 days after entry of the Order, on the 31st of March. See **Exhibit A** for a true and correct copy of the March 11, 2008 Order granting the Motion for Effective Service.
5. The Motion for Effective Service and the Order were served on the Defendant via the following means:
  - a. Federal Express Priority Overnight. See **Exhibit B** for a true and correct copy of the Federal Express delivery confirmation.
  - b. Facsimile. See **Exhibit C** for a true and correct copy of the facsimile delivery confirmation page.
  - c. Electronic Mail. See **Exhibit D** for a true and correct copy of the e-mail with the Order attached addressed to the Defendant’s Registered Agent.
  - d. United States Postal Service.
6. Defendant was required to appear and file a responsive pleading on or before March 31, 2008.
7. The Defendant has not appeared, answered, or otherwise responded to the Complaint as of the date of this motion.
8. Defendant did not contact Plaintiff’s counsel for an extension of time to respond to the Complaint. As such, there exists no good cause excusing the Defendant’s failure to file a responsive pleading to the Complaint in the time allotted by the Court.

9. Because the Defendant has failed to answer or otherwise respond to the Plaintiff's Complaint, the allegations set forth therein are deemed admitted. See Fed.R.Civ.P. 8(d).
10. Plaintiff is entitled to a default judgment on its claims.
11. In the Complaint, CI Group seeks to collect judgment against the Defendant for breach of a guaranty of payment and performance of a certain loan and indebtedness, together with interest accruing thereon in the amount of One Million Nine Hundred Ninety-Nine Thousand Seven Hundred Forty-Four Dollars and Seventy-One Cents (\$1,999,744.71) plus accruing interest as of November 5, 2007, together with the cost of collection incurred by the Plaintiff in the prosecution of this suit.

WHEREFORE, the plaintiff, CI Group Investments, LLC, prays that this Honorable Court enter an order entering judgment by default in its favor and against defendant Ocean Atlantic Service Corporation, on all of the claims set forth in Plaintiff's Complaint, and that the Court award to the Plaintiff attorneys' fees, expenses and costs incurred in pursuing this action, and for such other and further relief as appropriate in the circumstances.

Date: April 21, 2008

Respectfully submitted,

**CI GROUP INVESTMENTS, LLC**

By: /s/ Gregory J. Jordan  
One of Its Attorneys

Gregory J. Jordan (ARDC #6205510)  
Peter J. Schmidt (ARDC #6256638)  
Jean Soh (ARDC# 6285187)

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC  
Two Prudential Plaza  
180 N. Stetson Avenue, Ste. 4525  
Chicago, IL 60601  
(312) 819-1900  
(312) 819-1910 (Facsimile)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>CI Group Investments, LLC, an Illinois Limited Liability Company</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 07-cv-06432</b>
	)	
<b>v.</b>	)	<b>Hon. Elaine E. Bucklo</b>
	)	
<b>Ocean Atlantic Service Corporation, a Virginia Corporation,</b>	)	
	)	
<b>Defendant.</b>	)	

**AFFIDAVIT IN SUPPORT OF PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT**

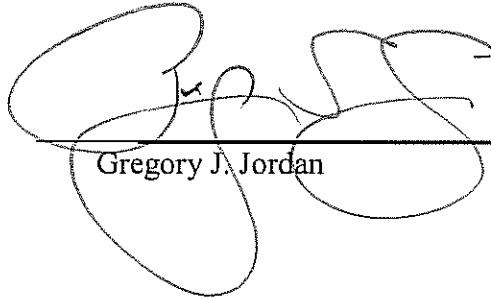
I, Gregory J. Jordan, one of the attorneys representing the Plaintiff, CI Group Investments, LLC (“Plaintiff”), hereby state that:

1. I am a resident of the State of Illinois. I am over the age of twenty-one and have never been convicted of a felony or crime of moral turpitude.
2. I am a partner with the law firm of Polsinelli Shalton Flanigan Suelthaus PC (“Polsinelli”), and am licensed to practice law in the State of Illinois.
3. Except as otherwise indicated herein, I have personal knowledge of the matters set forth herein and, if called as a witness, would testify competently thereto.
4. I am one of the attorneys representing the Plaintiff in the above-captioned suit, and therefore, I am familiar with all aspects of the lawsuit.
5. This affidavit is filed in support of the Plaintiff’s Motion for Default Judgment (the “Motion”) filed concurrently.
6. Exhibits referenced herein are the same as those referenced in the Motion.

7. The Motion for Determination of Effective Service (the “Motion for Effective Service”) filed with this Court on March 6, 2008 and the order granting the Motion for Effective service entered on March 11, 2008 were served on the Defendant via the following means:
  - a. Federal Express Priority Overnight. See Exhibit B for a true and correct copy of the Federal Express delivery confirmation to the Defendant’s registered business address with the State of Virginia.
  - b. Facsimile. See Exhibit C for a true and correct copy of the facsimile delivery confirmation page to the facsimile number listed for the Defendant on the Defendant’s website.
  - c. Electronic Mail. See Exhibit D for a true and correct copy of the e-mail I sent to John C. Carroll, the Defendant’s registered agent, with the Motion for Effective service and the order granting the motion attached thereto.
  - d. United States Postal Service
8. The Defendant has not appeared, answered, or otherwise responded to the Complaint as of the date of this motion.
9. As of November 5, 2007 Defendant is indebted to the Plaintiff for breach of a guaranty of payment and performance of a certain loan and indebtedness, together with interest accruing thereon, in the amount of One Million Nine Hundred Ninety-Nine Thousand Seven Hundred Forty-Four Dollars and Seventy-One Cents (\$1,999,744.71), plus accruing interest, the cost of collection incurred by the Plaintiff in the prosecution of this suit.


FURTHER AFFIANT SAITH NAUGHT.

Date: April 21, 2008



Gregory J. Jordan

Subscribed and Sworn to  
before me this 21<sup>st</sup> day  
of April 2008.



NOTARY PUBLIC



Gregory J. Jordan (ARDC #6205510)  
Peter J. Schmidt (ARDC #6256638)  
Jean Soh (ARDC# 6285187)  
POL SINELLI SHALTON FLANIGAN SUELTHAUS PC  
Two Prudential Plaza  
180 N. Stetson Avenue, Ste. 4525  
Chicago, IL 60601  
(312) 819-1900  
(312) 819-1910 (Facsimile)